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December 19, 2019

VIA ECF FILING

The Honorable Richard M. Gergel
U.S. District Court
P.O. Box 835
Charleston, SC 29402

Re: *The Episcopal Church in South Carolina (“TECSC”) v. The Church Insurance Company of Vermont (“CIC-VT”)*, Case No.: 2-19-CV-01672-RMG

Dear Judge Gergel,

We are writing to object to CIC-VT’s untimely submission of two affidavits, purporting to support CIC-VT’s response to TECSC’s brief regarding standing. The affidavits contain various assertions that we strongly dispute, and other assertions that we will investigate further in discovery.

On November 19, 2019, Your Honor ordered that TECSC submit a brief regarding standing within 10 days, and that CIC-VT submit its response, if any, within 5 days thereafter (Dkt. 54). The Court did not indicate that TECSC could submit a reply or provide any time for TECSC to do so.

TECSC timely submitted its brief on December 2, 2019, as the Court directed (Dkt. 55). CIC-VT thereafter requested a one-week extension beyond its 5-day time period (Dkt. 56). The Court denied a one-week extension and instead granted CIC-VT a 3-day extension (with TECSC’s consent), commenting that the initial deadlines set by the Court were purposefully intended to “resolve this central issue of standing expeditiously” (Dkt. 57). CIC-VT submitted its response on the last day of its extended period, December 12, 2019 (Dkt. 58). TECSC disputes many assertions of fact and law made in CIC-VT’s response, but TECSC did not attempt to submit a reply, given the Court’s directions. The following week, on December 17, 2019, without leave from the Court, CIC-VT submitted two affidavits in support of its response (Dkt. 59 and 60).

These untimely affidavits should be disregarded by the Court. TECSC should be entitled to an opportunity to respond to the various disputed assertions of fact therein and to conduct discovery thereupon.

With kindest regards and best wishes, I am,

Sincerely,



Thomas S. Tisdale

cc: Edward Pritchard, Esq.